

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY R. TURNER,
Plaintiff,

v.

VALLEJO CITY MAYOR, et al.,
Defendants.

No. 2:23-cv-2894-KJM-SCR

ORDER

Plaintiff is a county inmate representing himself in this civil rights action filed pursuant to 42 U.S.C. § 1983. On April 30, 2025, the court ordered Plaintiff to file an amended complaint on or before June 2, 2025, ECF No. 52, based on the court's order from July 2024 finding the original complaint legally defective in many ways. ECF No. 34. On June 12, 2025, the court issued Findings and Recommendations to dismiss this case without prejudice based on plaintiff's failure to file an amended complaint within the time provided. ECF No. 53. Plaintiff's first amended complaint was received by the court on July 7, 2025, though it was signed on "May 9, 2024." ECF No. 54 at 21. Given that Plaintiff is proceeding pro se and the timeline described above, the court will assume it was actually signed on May 9, 2025. Since plaintiff is entitled to the prison mailbox rule, the court deems the first amended complaint constructively filed on May 9, 2025. See Houston v. Lack, 487 U.S. 266 (1988). As a result, the court will vacate the Findings and Recommendations (ECF No. 53) and will screen plaintiff's first amended complaint

1 by subsequent order, **so long as he updates his address (see below).**

2 The docket reflects that the Findings and Recommendations (ECF No. 53) were returned
3 as undeliverable on July 30, 2025 because plaintiff is no longer in custody. Under Local Rule
4 183(b):

5 A party appearing in propria persona shall keep the Court and opposing parties advised as
6 to his or her current address. If mail directed to a plaintiff in propria persona by the Clerk
7 is returned by the U.S. Postal Service, and if such plaintiff fails to notify the Court and
8 opposing parties within thirty (30) days thereafter of a current address, the Court may
9 dismiss the action without prejudice for failure to prosecute.

10 If plaintiff fails to update his address by September 8, 2025, the undersigned will recommend that
11 this action be dismissed for failure to prosecute. Given that plaintiff has not provided notice of
12 his new address, pursuant to Local Rule 182(f), service of this order at his address of record “shall
13 be fully effective.”

14 Accordingly, IT IS HEREBY ORDERED that the Findings and Recommendations issued
15 on June 12, 2025 (ECF No. 53) are vacated based on plaintiff’s filing of a first amended
16 complaint. It is further ORDERED that plaintiff shall update his address with the court by
17 September 8, 2025.

18 DATED: August 8, 2025

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20 SEAN C. RIORDAN
21 UNITED STATES MAGISTRATE JUDGE
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